

# Senate Study Bill 1202

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON LABOR  
AND BUSINESS RELATIONS BILL  
BY CHAIRPERSON DEARDEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to limitations on and maintenance of certain  
2 actions for workers' compensation benefits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1825XC 82  
5 av/je/5

PAG LIN

1 1 Section 1. Section 85.26, subsections 1 and 2, Code 2007,  
1 2 are amended to read as follows:  
1 3 1. An original proceeding for benefits under this chapter  
1 4 or chapter 85A, 85B, or 86, shall not be maintained in any  
1 5 contested case unless the proceeding is commenced within two  
1 6 years from the date of the occurrence of the injury, the  
1 7 discovery of the injury, or the last date of exposure to the  
1 8 work activity for which benefits are claimed or, if weekly  
1 9 compensation benefits are paid under section 86.13, within  
1 10 three ten years from the date of the last payment of weekly  
1 11 compensation benefits.  
1 12 2. An award for payments or an agreement for settlement  
1 13 provided by section 86.13 for benefits under this chapter or  
1 14 chapter 85A or 85B, where the amount has not been commuted,  
1 15 may be reviewed upon commencement of reopening proceedings by  
1 16 the employer or the employee within three ten years from the  
1 17 date of the last payment of weekly benefits made under the  
1 18 award or agreement. If an award for payments or agreement for  
1 19 settlement as provided by section 85.35, subsection 2, or  
1 20 section 86.13 for benefits under this chapter or chapter 85A  
1 21 or 85B has been made and the amount has not been commuted, or  
1 22 ~~if a denial of liability is not filed with the workers'~~  
1 23 ~~compensation commissioner and notice of the denial is not~~  
1 24 ~~mailed to the employee, in the form and manner required by the~~  
1 25 ~~commissioner, within six months of the commencement of weekly~~  
1 26 ~~compensation benefits, the employer has paid weekly benefits~~  
1 27 ~~or medical benefits, the commissioner may at any time upon~~  
1 28 proper application make a determination and appropriate order  
1 29 concerning the entitlement of an employee to benefits provided  
1 30 for in section 85.27. The failure to file a denial of  
1 31 liability does not constitute an admission of liability under  
1 32 this chapter or chapter 85A, 85B, or 86.

### EXPLANATION

1 34 This bill amends Code section 85.26 concerning limitation  
1 35 of actions for workers' compensation benefits.  
2 1 The bill adds a provision specifying that an original  
2 2 proceeding for such benefits may be brought within two years  
2 3 of the discovery of the injury or the last date of exposure to  
2 4 the work activity for which benefits are claimed and within 10  
2 5 instead of three years from the date of the last payment of  
2 6 weekly compensation benefits.  
2 7 The bill provides that an award for benefits or an  
2 8 agreement for settlement may be reviewed in review reopening  
2 9 proceedings within 10 instead of three years from the date of  
2 10 the last payment of weekly benefits made under the award or  
2 11 agreement.  
2 12 The bill also allows for a determination by the workers'  
2 13 compensation commissioner that an employee is entitled to  
2 14 medical benefits and services under Code section 85.27 if an  
2 15 award for payments or agreement for settlement made under Code  
2 16 section 85.35, subsection 2, has not been commuted or the  
2 17 employer has paid weekly benefits or medical benefits.  
2 18 LSB 1825XC 82

